



# WISCONSIN REGULATORY DIGEST

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## Governor Tommy Thompson Appoints New Board Member

Governor Tommy Thompson has appointed Karma S. Rodgers-Butler from Milwaukee to serve as a public board member on the Psychology Examining Board.

Rodgers-Butler, who received a law degree from Marquette University Law School in 1989, is owner of the Butler-Rodgers Law Offices in Milwaukee. This firm specializes in providing legal services in the areas of Real Estate, employment, personal injury and bankruptcy.

Rodgers-Butler also holds a Bachelors Degree in Psychology from Marquette University.

As an attorney, Rodgers-Butler has been active in local, state and national American Bar Associations and serves on a variety of community boards and commissions.

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## Supervision Guidelines

By: Barbara A. Van Horne, Ph.D.

The Association of State and Provincial Psychology Boards (ASPPB) Board of Directors approved Supervision Guidelines in December, 1997. Recommendations pertain to Supervision of Doctoral Level Candidates for Licensure, Supervision of Credentialed Non-Doctoral Personnel and Supervision of Uncredentialed Personnel Providing Psychological Services. The following is excerpted from sections of the ASPPB Supervision Guidelines and reprinted here with the Association's permission. (The entire document is available from ASPPB (334) 832-4580).

The intent of these guidelines is to identify measurable components known to be critical in meeting goals of supervision. Supervision plays a central role in the development of professional identity, commitment to ethical behavior, and, ultimately, the protection of the public. Recommendations are available with regard to: the supervision setting; supervisor qualifications; the duration and frequency of supervisory contact; the conduct of supervision; and the evaluation, regulation and enforcement issues. **Although Wisconsin psychologists are not currently required by statute to follow all of these recommendations, this document does serve as a "Best Practices" model for providing supervision. Other jurisdictions have statutory**

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**requirements that reflect a number of these recommendations. Therefore, these recommen-**

**ditions are also important for supervisees who may wish to be licensed in those jurisdictions.**

**I. Setting of Supervised Experience**

**A. An acceptable training setting includes the following:**

1. Provides ongoing psychological services in a well-defined and established program.
2. Meets the broad and specialized needs of the supervisee congruent with the supervisee's interests and level of training.
  - a. Predoctoral settings should offer full spectrum training and provide a foundation for a career in psychology.
  - b. Postdoctoral experience is intended to focus the training in areas of intended, advanced or specialized practice.
3. The major focus is on training rather than on generating funds.

**B. Both the pre- and postdoctoral programs are organized education and training programs with a planned sequence of supervised experience. The following guidelines are suggested:**

1. Setting provides the supervisee with written document specifying the rules and regulations of the program, as well as the roles, goals and objectives expected from both supervisee and supervisor when training begins.
2. At onset of training, the supervisor will be responsible for developing, along with the supervisee, a written individualized training plan that meets the needs of the supervisee and is consistent with the purpose of the setting.
3. The supervisor is responsible for assessing the adequacy of the trainee's preparation for the tasks to be performed.
4. These documents serve as the foundation for quarterly, written evaluations.

**c. The program must have on site the following:**

1. A full-time licensed psychologist who is clearly responsible for the integrity and quality of the program and
2. As many additional psychologists as are necessary to meet the training needs of the supervisee.

3. The program should offer a variety of professional role models and diverse client populations.

a. The predoctoral program has an identifiable group of supervisees who are of sufficient number to ensure meaningful peer interaction and support.

b. The postdoctoral program makes every effort to provide meaningful peer interaction and support.

4. The program should facilitate appropriate contact among supervisees.

5. The training status of the supervisee must be identified by an appropriate title such as intern, resident, fellow, trainee, etc., such that their training status is clearly identifiable to clients, third party payers and other entities.

**II. Qualifications of Supervisors**

**A. Supervising psychologists shall be licensed or certified for the practice of psychology and must be aware of and abide by the ethical principles and state statutes pertaining to the practice of psychology in general and to supervision in particular. The following are recommended:**

1. Supervisors have adequate training, knowledge and skill to render competently any psychological service that their supervisee undertakes.
2. They shall not permit their supervisee to engage in any psychological practice that they cannot perform competently themselves.
3. The supervisor has the responsibility to interrupt or terminate the supervisee's activities whenever necessary to ensure adequate training and the protection of the public.
4. The supervisor has at least three (3) years of post licensure experience and has had training and/or experience in supervision.

**B. The supervisor is ethically and legally responsible for all of the professional activities of the supervisee. The level of supervision should be commensurate with the level of competence of the supervisee.**

**C. The supervisor provides an adequate level of supervision. To do so:**

1. The supervisor, or a qualified designee who meets the requirements as a supervisor, provides twenty-four (24) hour availability to both the supervisee and the supervisee's clients.

2. The supervisor shall have sufficient knowledge of all clients, including face-to-face contact when necessary, in order to plan effective service delivery procedures.
  3. The supervisor makes reasonable effort to provide for another qualified supervisor in case of any interruption of supervision due to such factors as the supervisor's illness, unavailability, or relocation.
- D. Supervisors avoid entering into dual relationships with their supervisees. Note that:
1. Psychologists do not exploit or engage in sexual relationships with supervisees.
  2. Supervisors attempt to resolve any unforeseen interference that may be potentially harmful to the supervisory relationship with due regard for the best interests of the supervisee.
- E. Number of Supervisees - The following are recommended:
1. Predoctoral - The individual supervisor shall supervise no more than three (3) supervisees.
  2. Postdoctoral - the individual supervisor shall supervise no more than four (4) supervisees.

### III. Written and Oral Evaluation

- A. Evaluations provide objective assessment and direct feedback about the supervisee's competence in order to facilitate skill acquisition and professional growth. They are necessary to ensure that supervisees achieve identified objectives. Important to the evaluation process are:
1. At the outset of the supervisory period each supervisor together with the supervisee shall establish a written contract that specifies:
    - a. the competencies to be evaluated and the goals to be attained;
    - b. the standards for measuring performance and;
    - c. the time frame for goal attainment.
  2. Direct feedback should be ongoing with written evaluations provided at least quarterly.
  3. Written evaluation of the supervisor by the supervisee should be provided at the end of the training program.
  4. All evaluations, both of the supervisor and supervisee, shall be maintained for a minimum of five (5) years and should be made available to the Board if requested.

### Expanding Scope of Practice

#### By James Fico, Ph.D.

Psychologists often win the trust of their clients. Through empathy, concern, and technical expertise, many psychologists find that they can be very helpful with their clients in diverse ways. The individual may consult the psychologist for depression and then seek assistance with marital or parenting problems. Problems with family, work, and plans for the future can all be discussed as part of a psychotherapy session.

As part of their training and experience, psychologists who provide clinical services learn a good deal about people and their problems. As a result, sometimes both the psychologist and the client believe that, "since people are people wherever they are", the clinical or counseling psychologist can be helpful, even in the work setting. Clinical psychologists view work teams as families and believe they can help resolve conflicts or develop effectiveness, even in the absence of formal training in industrial-organizational psychology. Clients who respect the psychologist's skill with people believe that their challenges of selecting and training managers could be made easier by a psychologist trained to detect distress and adaptability, despite the lack of I-O expertise and supervised practice.

On the other hand, misplaced confidence and ignorance of the complexity of a specialty area can be dangerous for the consumer. Regardless of the psychological specialty, formal training and the extended supervised practices spells the difference between good service and harm for the consumer.

The fact that the Psychology Examining Board requires each psychologist to obtain appropriate formal training and supervised experience for the development of a specialty does not mean a psychologist is limited to the areas for which he or she was originally trained. In fact, consumers are served best when they have a variety of highly trained experts from whom they can choose. Psychologists planning to add a new area of expertise must understand, however, that interest does not equal knowledge. A psychologist wishing to pursue a new professional area needs to find the formal training and supervisory experience that will lead to genuine expertise. It is most prudent to inform the Board of educational plans and supervisor identities, both at the beginning and at the completion of the study experience.

When wondering "How much training is enough?" or "How much supervised practice and coursework

are necessary to allow for independent practice?”, consider the extent of your original training. The level of practice required for your first specialty needs to be replicated for your second.

Worry leads to mistakes, both in missed opportunity and ill-considered decisions. Careful data-gathering and planning, on the other hand, lead to greater chances of success. Most psychologists recognize that these principles are true for their clients. People who fear the future, or fear the loss of status or fulfillment, make self-defeating decisions they would not have made had they taken the time to discover and to plan.

These principles also apply to psychologists. As certain segments of the job market change, many psychologists are forced to rethink their careers. Many consider the option of new specialties that may enjoy more stable market demand or may seem more lucrative. Where these kinds of career changes are made without the necessary professional preparation, the people who suffer first are the clients, the consumers of the service.

The Psychology Examining Board’s greatest responsibility is to the consumer. Each Board member is directed to think of the consumer’s welfare first.

A central component of good service by a psychologist to a client is the possession and application of the appropriate level of expertise. When the expertise is missing, or applied poorly to the situation, it is sometimes because the psychologist failed to recognize his or her own professional limits. This failure leads to problems for both the consumer and, ultimately, for the psychologist.

Licensees who are concerned about their future need to shift as quickly as possible from worrying to discovering, from rash judgment to planning. Dreams of a new future can be derailed quickly by a consumer’s complaint of substandard practice. The Board encourages you to avoid these problems through planning and preparation.

**The License for the Private Practice of School Psychology: One “Hat” and One “Hat” Only**  
**Updated article originally by Charles M. Moore, Psy.D.**

The Psychology Examining Board continues to, on a regular basis, license individuals for the Private Practice of School Psychology. To date, 330 licenses have been issued. The Board continues to describe the “two hat” distinction to new

licensees. This analogy describes the Board’s view that, once one has been licensed to wear the “hat” for the Private Practice of School Psychology, one cannot remove this “hat” and replace it with another “hat” such as “psychotherapist”. An individual who is licensed for the Private Practice of School Psychology must remain in that role and adhere to the associated guidelines of ethical practice in that role. The licensee may not practice as a “psychotherapist” at one time or in one setting and then, at another time or in another setting, practice as an individual licensed for the Private Practice of School Psychology. This “two hat” analogy allows one to more clearly delineate that the intended practice for an individual licensed for the Private Practice of School Psychology is indeed incompatible with that of a “psychotherapist” or other non-licensed role.

As an individual licensed by the Board for the Private Practice of School Psychology, one must adhere to those activities which are clearly attached to this role, namely activities that include psychological evaluation, assessment, consultation and/or treatment offered for the primary purposes of improving the client’s school adjustment and learning environment.

### **Audit of 1995-97 Continuing Education Requirement**

**By Barbara A. VanHorne, Ph.D.**

A ten percent random audit of all licensees at renewal was conducted. 144 psychologists were requested to submit documentation of completion of the required 40 credits of continuing education. The result was that 90 had successfully met the requirement and another 15 were exempt since they had been licensed within that biennium.

Of the remaining, 19 psychologists submitted documentation of completed continuing education but they had failed to obtain Board approval or follow some other requirement. The Board will be reviewing the disposition of those cases.

Three psychologists surrendered their license recognizing they had not met the requirement. Six had already relinquished their license as they were, in fact, retired.

**When a complaint is received by the Department against a psychologist a CE (continuing education) audit is automatically initiated.**

### **Exam Fee to Increase in April 1999**

The ASPPB Board of Directors recently voted to approve a \$100 per exam fee increase to be effective

April 1, 1999. The increase will affect all April 1999 candidates, and will be the first of two intended to cover costs associated with computerization of the Examination for Professional Practice in Psychology (EPPP) and other ASPPB projects.

When the increase is effective, it will have been almost five years since the last exam fee increase went into effect.

At the Annual Meeting in October 1996, the Board of Directors reviewed the Association's plans to move as quickly as possible to computerized testing of candidates. It was announced that while the change would increase the cost of the EPPP to candidates, it should significantly reduce for many candidates the overall costs of the licensure process. In a number of jurisdictions, computerization of the exam will reduce travel expense; it also will allow candidates to take the exam any time during the year rather than at six-month intervals.

#### **Sale of Nutritional Supplements by Psychologists By Wayne Austin, Legal Board Counsel**

The Psychology Examining Board has recently become aware of a number of licensed psychologists who are distributing and selling nutritional supplements, which they recommend to clients based upon the belief that use of the substances confers benefits to persons suffering depression, chronic fatigue, and difficulty in sleeping, among other problems.

The board takes the position that this practice raises difficult issues relating to dual relationships, and concludes that those issues are not resolved by selling these products to clients at reduced cost and/or by notifying clients of the licensee's financial interest in the sale of the product. Typically, the psychologist's recommendation to clients regarding these products is based on nothing more than the licensee's experience as a user and status as a distributor of the product. But a recommendation by a psychologist to ingest a product ostensibly intended to alleviate the very problems for which the psychologist may be providing his or her professional services is undoubtedly a powerful incentive to purchase the product. In profiting financially from providing that advice, a psychologist has arguably created a conflict of interest that may not be remedied by disclaimers or notices of financial interest.

Moreover, there is, potentially, another equally serious problem with recommending these food supplements to clients. Again, the board is aware

that these substances are represented as being of possible benefit in addressing and relieving problems including chronic fatigue, low energy, difficulty in concentrating, chronic pain, difficulty in sleeping and depression. If so, then to the extent that a psychologist recommends these substances to supplant medications in the treatment of conditions for which psychotherapeutic medications may constitute a recognized treatment modality, the psychologist is, in the opinion of the board, exceeding the scope of his or her license to practice psychology.

A recent Final Decision and Order of the Professional Counselors Section of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, captioned *in the Matter of Disciplinary Proceedings Against Donald D. Meeder* found that in providing to clients a food supplement product purporting to confer health benefits, the professional counselor had violated sec. SFC 20.02(13), Code, which defines as unprofessional conduct "failing to avoid dual relationships or relationships that may impair the credentialed person's objectivity or create a conflict of interest." The counselors section made that finding notwithstanding the fact that the product was initially provided by the respondent to affected clients without charge, and even though he claimed that his intent was to dispense the product to his clients at or below his cost. This board does not disagree with the findings of the Professional Counselors Section, and concludes that while it is undoubtedly possible to reconcile one's activities as a psychologist with one's activities as a food supplement distributor, it is not possible to merge or combine the two activities without creating an impermissible professional conflict.

#### **Legislative Update**

##### **Access to Health Care Records**

Wisconsin statute 146.83 concerning access to health care records has been amended by 1997 Wis. Act 157 to require that health care providers release records directly to a patient's health care provider upon request and with a statement of informed consent. The Act also prohibits concealing or withholding health care records from a patient's health care provider or preventing or obstructing an investigation or prosecution. Violations of the statute include actual damages and exemplary damages along with injunctive relief. This law was effective in April 1998. Copies of 1997 WI Act 157 are available from the department or via internet at <http://www.legis.state.wi.us/billtext/acts/97acts.html>.

### **Law Sanctions Professionals with Delinquent Support and Collects Social Security Numbers**

In April 1998, legislation was enacted which provides for suspension of credentials for failure to pay support or for failure to comply with a subpoena or warrant related to paternity or support proceedings. The determination of failure to pay support or failure to comply with a warrant or subpoena will be made by county support agencies or the Department of Workforce Development.

The Department of Workforce Development, after proper notice and provision for hearing, will certify to the Department of Regulation and Licensing that a professional who holds a credential issued by the department, or who is applying for a credential, is delinquent in support or has failed to comply with a subpoena or warrant. The department then shall restrict, limit or suspend a credential or deny an application for an initial credential or for renewal of a credential. The credentials will remain restricted, limited or suspended until the department receives notification of release from the Department of Workforce Development. However, credentials shall not be sanctioned for more than five years if instituted because of delinquency in support, or for more than six months if instituted for failure to comply with a subpoena or warrant. 1997 WI Act 191 became effective in April 1998.

The new Family Support Collection Act requires the Department of Regulation and Licensing to collect social security numbers from all individuals who apply for new credentials. Applications from individuals who do not submit their social security number will be denied. The social security numbers collected may be disclosed only to the Department of Workforce Development for the purpose of enforcing the Family Support Collection Act, or to the Department of Revenue for the purpose of checking for tax delinquencies.

1997 Wisconsin Act 191 is available in most public libraries and can be viewed on the Internet at <http://www.legis.state.wi.us/billtext/acts/97acts.html>.

### **Administrative Warnings May Be Issued Under New Law**

Examining boards, the department and other regulatory authorities are authorized to issue administrative warnings under a new law, 1997 WI Act 139, effective May 5, 1998. An administrative warning may be issued to close an investigation if a regulatory authority determines that no further action is warranted because the complaint involves a first occurrence of a minor violation and the warning adequately protects the public.

Under the new law, an administrative warning puts the professional on notice that, if the misconduct is repeated, the incident that was the basis for the warning can be used to prove that the person warned knew the conduct was prohibited. A warning is not discipline and may be issued without a formal complaint or a hearing.

A credential holder may have a warning reviewed before the department or board that issued the warning. The law requires the department to promulgate rules establishing uniform procedures for administrative warnings. 1997 WI Act 139 is available from the department and can be viewed on the Internet at <http://www.legis.state.wi.us/billtext/acts/97acts.html>.

## **ALERT ALERT ALERT**

**The next renewal for Psychologists will be September 30, 1999. Renewal Notices will be mailed about 6 weeks prior to that date. Any required continuing education must be completed by this date. Please remember to include your Social Security Number on your renewal form. Update your name or address changes by August 1, 1999.**

**Automated Phone System for Chiropractic, Acupuncture, Marriage & Family Therapists, Massage Therapists, Music, Art and Dance Therapists, Nursing, Optometry, Professional Counselors, Psychology, & Social Workers: (608) 266-0145**

Press 1, then 4 **Application Requests for License & Continuing Education**  
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**Quick Keys**

The following voice mail “**short cuts**” could be sent out with renewal notices and/or otherwise published:

To request a license application for your profession, just dial (608) 266-0145, then enter the Quick Key numbers below for the profession you want:

Regular Psychology 1-3-1  
School Psychology 1-3-2

**Verifications**

All requests for verification of license status must be in writing. There is no charge for this service.

**Endorsements**

Requests for endorsements to other states must be in writing. The cost is \$10. Please make check or money order payable to the Department of Regulation and Licensing.

**Meeting Dates:**

1999: 1/11, 2/12, 3/17, 4/13, 5/24, 6/21, 7/30, 9/1, 10/8, 11/8, 12/7.

**Visit the Department’s Web Site**

<http://badger.state.wi.us/agencies/drl/>  
Send comments to [dorl@mail.state.wi.us](mailto:dorl@mail.state.wi.us)

**Digest on Web Site**

December, 1997 and June, 1998

**Wisconsin Statutes and Code**

Copies of the Psychology Statutes and Administrative Code can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated April, 1997.

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Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided.

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